LEGISLATIVE LIBRARY OF BRITISH COLUMBIA
3 3298 00257 0761

VALUED RESULTS

British Columbians Consider a Results-Based Code

Report from the MLA Panel on a Results-Based Forest and Range Practices Regime for British Columbia.

July 25, 2002

I INTRODUCTION

The provincial government is keeping its New Era Commitment to create a workable, results-based forest practices code that will maintain British Columbia's high environmental standards while giving the forest industry freedom to manage for the delivery of defined results. The new code will be backed by tougher compliance and enforcement to ensure results are achieved.

On May 1, 2002, Forests Minister Mike de Jong, and Joyce Murray, Minister of Water, Land and Air Protection, unveiled a discussion paper called *A Results Based Forest and Range Practices Regime for British Columbia*. The discussion paper proposes innovative alternatives to the requirements in the existing Forest Practices Code and clears the way for a more workable code based on end-results rather than processes.

The Forest Practices Code (FPC) was introduced in British Columbia in 1995 and led to increased environmental protection and consistent enforcement measures. However, the FPC was a complex policy framework and didn't allow operators in B.C.'s forest industry any flexibility. It was imposed with little consultation from stakeholders or the public, and, ultimately, led to a dramatic increase in costs for both government and industry. More importantly, the overtly prescriptive nature of the code stifled innovation in B.C.'s forest sector by forcing professionals to adhere to practices that were not the most effective or efficient.

As Minister de Jong has indicated, legislation is to be introduced this fall and implemented in April 2003. To meet that goal government designed a compressed but very thorough process to solicit input on the detailed proposed results-based code from both stakeholders and the general public.

The three-pronged approach to gathering public input consisted of:

- open public meetings held by a panel of seven MLAs, chaired by North Island MLA Rod Visser;
- technical meetings with key stakeholders, directed by Dr. George Hoberg, head of the Department of Forest Resources Management at the University of British Columbia; and,
- a web-based forum for receiving public comments (www.resultsbasedcode.ca) managed by Dr. Hoberg.

In addition to the meetings and web-based communications forum, the MLA Panel and Dr. Hoberg received numerous written submissions from the public and stakeholders with detailed comments on the proposed results-based code. Those submissions are posted on the website.

The MLA Panel included the following members: Rod Visser, MLA, North Island; Pat Bell, MLA, Prince George North; Bill Belsey, MLA, North Coast; Bill Bennett, MLA, East Kootenay; Susan Brice, MLA, Saanich South; Patty Sahota, MLA, Burnaby-Edmonds; and, John Wilson, MLA, Cariboo North.

The panel held public hearings in 13 communities, in every region of the province. The meetings took place over two months and included Prince Rupert, Smithers, Prince George, Fort Nelson, Victoria, Nanaimo, Nelson, Cranbrook, Golden, Mission, Williams Lake, Kamloops, and Merritt.

As expected, those who attended the public hearings displayed considerable awareness of general forest policy, and a detailed knowledge of the existing FPC and the proposed results-based code as outlined in the discussion paper. Clearly, British Columbians are keenly interested in being involved in improving the proposal for a forest practices code that is results-based but still maintains high environmental standards. Individuals, environmental groups, First Nations, industry, and local government representatives made more than 250 oral presentations. The panel received an additional number of written submissions.

The mandate of the MLA panel was to hear from British Columbians on the proposed changes to the FPC and gather advice from the public on how to improve the proposed model for a results-based code. We were there to listen and inform the more detailed stakeholder consultations directed by Dr. George Hoberg. Dr. Hoberg was tasked with collating the information gathered in his consultations with stakeholders, the public discussion on the website, and public input received by the MLA Panel.

This report is intended to be a companion document to the larger report prepared by Dr. Hoberg. As such, it focuses on what the panel heard from presenters, emphasizing the themes that emerged but trying to include many of the specific issues that were raised. As expected, there was considerable overlap in the presenters and input received by Dr. Hoberg and the MLA Panel and, as the consultation period progressed, the written submissions became more refined.

The consultation process was designed to convey to the Ministers the concerns and challenges British Columbians see as we move towards the objective of a results-based forest practices code. The government asked to hear the public's views on how to improve the proposed code, and it asked for the proposed code's strengths and weaknesses to be identified. The Ministers and the MLA Panel wanted an open and public process, and British Columbians responded.

The majority of presenters were in agreement that B.C. needs a results-based code that maintains environmental standards and puts the forest industry back on a competitive footing. And, most importantly, the presenters provided the panel with ideas on how to accomplish that objective.

The MLA Panel would like to thank the following government staff: Ralph Archibald, Ministry of Forests; Rod Davis and Rodger Stewart, Ministry of Water, Land and Air Protection, and Bruce Sieffert and Warren Mitchell, Ministry of Sustainable Resource Management. These individuals traveled with the MLA Panel on all of the 13 days. Not only did they provide technical advice throughout the consultation process, they (as the managers responsible for the discussion paper and the proposed results-based code), were also able to hear firsthand from British Columbians.

The panel would also like to thank Dr. George Hoberg and graduate student Glenn Farenholtz of the Department of Forest Resources Management, University of British Columbia, for their expertise and professionalism. The universities of this province are a wonderful resource and government needs to take advantage of their energy, expertise and dedication as they develop public policy.

Most importantly, though, the MLA Panel would like to extend its thanks to the presenters and host communities. A great deal of time and effort went into their submissions, and their diligence and hard work is greatly appreciated. When presented with difficult and complicated pieces of policy, the people of B.C. have shown that they have the ability and desire to respond. The government, in the spirit of openness and accountability, has tried to embrace that capacity by establishing MLA panels to tap into that remarkable resource.

Additionally, many people, especially those in rural B.C., travelled long distances to make presentations to our panel. Without their interest and dedication to this matter, this report would not have been possible.

102-06938/

II COMMENTS AND CONCERNS

The public comments and concerns heard by the MLA Panel may be categorized in the following 17 topics. For each topic area, a summary of the public's input is provided.

1. Consultation on the results-based code
2. The results-based code in the forest policy context
3. Timber targets and socio-economic impacts
4. Defining results
5. Professional reliance
6. Land use planning
7. Resource development permits
   a) conflicts with other tenures or rights
   b) consultation with the public
8. Conflict resolution
9. Consultation with First Nations
10. Amendments to RDPs
11. Certification as an incentive
12. Roles and responsibilities of agencies
13. Compliance and enforcement
14. Consistency across industries
15. Role of due diligence
16. Woodlots
17. Range

1. Consultation on the results-based code

Many presenters commended the government for holding public meetings and gathering public input on the proposed changes to the forest practice code. It was noted this was the first time forest policy changes have been subject to this kind of rigorous public discussion prior to the presentation of actual legislation.

The MLA panel held seven hours of hearings in each community and the MLAs often went past the allotted timeframe in order to give each speaker the time they needed to comment.

However, there were concerns about the tight response time to offer thoughtful and detailed suggestions on how to improve the results-based code proposal. Forest Ethics advisor Ivan Thompson told the panel in Smithers that the timeframe limited his ability to provide a full response to the discussion paper.

Moreover, there was a degree of cynicism among many presenters whether their comments would influence further development of code policy and drafting of

legislation. These presenters believed their comments would be dismissed or ignored by the panel and government.

In communities like Prince Rupert, Prince George, Smithers, and Fort Nelson, where hearings were scheduled at the beginning of the public consultation process, some presenters felt they were at a disadvantage because of the brief time frame in which they had to prepare. By and large, this issue was lessened as people took advantage of the website forum and stakeholder consultations held by Dr. Hoberg.

The website was a key component of the public consultation process. Interested parties were able to receive updated schedules for the MLA Panel meetings and the technical briefings held by Dr. Hoberg, participate in discussion forums, review other briefs and submissions, and submit their own written comments.

There seemed to be a consensus among industry stakeholders and environmental groups that, if substantive changes to the proposed results-based code are made, there should be an additional opportunity to engage in discussion prior to the introduction of legislation. More will be said about this at the end of this report.

2. The results-based code in the forest policy context

A number of presenters from all perspectives wanted to make sure the proposed changes to the Forest Practices Code were understood in the context of all the policy changes the government is contemplating in the forest sector of British Columbia. The most frequently cited issue was incomplete land use planning processes (please refer to Topic 6 for more discussion on land use planning). In no particular order, other policy initiatives raised by presenters included: the working forest initiative; policy reforms arising from the softwood lumber negotiations, including appurtenancy; the timber sales program; cut control; tenure reform; Defined Forest Area Management; and, on the coast, restructuring as identified in last fall's Pearse Report. The interior has much of its forest management debate currently focused on two issues - the pine beetle infestation and its impact on flexibility, and the evolving land-use planning process.

The panel was continually reminded that, in many ways, all of these initiatives will have an impact on the success or failure of any results-based code regime.

The panel was also reminded on a number of occasions, in each of the communities, that licensees are particularly worried about the financial implications of assuming increased responsibility for fire protection, forest inventory, forest health, and road maintenance.

3. Timber targets and socio-economic impacts

The topic of broadest disagreement at the public meetings was "timber targets."

From one perspective, the proposed results-based code spoke to all other forest values except timber.

Chris Morey, a town councillor from Fort Nelson and a representative of the Northern Rockies Regional District, argued in her submission that defining results is, in the end, about balancing competing values. "What are these 'results' we are trying to work toward? And how do they address all the forest values in a balanced manner? It appears the Results Based Code as it is now proposed does not clearly express the end results to be achieved and, further, does not include socio-economic values anywhere in the list. The code will not result in the much sought after 'balance' if the industry is forced to place all other values ahead of timber supply, industry costs, jobs, community stability and government revenues." (Fort Nelson, May 16, 2002)

Sharon Smith, deputy Mayor of Houston, told the committee: "We are concerned that this discussion paper does not include any mention of establishing a Working Forest for B.C. that sets timber harvesting targets for the province in the same way B.C. has established 12% of the land base as Parks & Protected Areas." (Smithers, May 14, 2002)

From the counter perspective, it is the environment that will suffer at the hands of unrestrained access to timber.

Rosemary Fox of the Sierra Club in Smithers noted "there is a lot of fine language in the proposed Results Based Management Regimes by Value in Section 6 of the Discussion Paper, but goals for protecting non-timber values will have no legal standing." (Smithers, May 14, 2002)

Ms. Fox and others also worried about exemptions or what they felt were loopholes, within the discussion paper. Their concern largely centered on how the results-based code could be enforced.

They further argued the removal of the "adequately manage and conserve" requirement in the existing FPC, and the continuation of the 6% cap on application of the Biodiversity Guidebook, will "trump" ecological values with timber harvesting.

4. Defining Results

There was a high level of support for the concept of a results-based code among those making presentations to the MLA Panel. However, the most frequently raised concern was the very definition of "results-based."

In its presentation, the Council of Forest Industries represented the forest sector's unease with definitions found in the discussion paper. During the public hearing in Victoria, COFI argued the proposed results-based code would be too costly, too complex, and too prescriptive. As well, COFI suggested the proposed "results" formula is not achievable and is contradictory, particularly because, in its view, there is no mechanism for balancing or resolving conflict. (Victoria, May 28, 2002)

Lisa Matthaus of the Sierra Club of British Columbia held a similar view on the results component of the discussion paper. "The results as currently drafted in the discussion paper are, for the most part, vague, unenforceable and will lead to costly court battles." (Victoria May 28, 2002)

One of the strongest criticisms of the proposed results-based regime was the lack of definition as to what standards companies would be held. A frequent refrain heard by the panel was the need to have clear, concise results. Steve Sheldon, woodlands manager for Dunkley Lumber, wrote to the panel: "It appears that the value goals, results and rules have been established independently of each other. As a result there are conflicting rules such as the need to produce free growing stands while at the same time achieving all objectives for non-timber values. The contradictory results will make meeting the RBC impossible." (Written Submission, June 11, 2002)

Syd Haskell of the Carmanah Forestry Society supported the idea of a results-based code if it was based on environmental principles. His major concern was understanding how the results would be measured and how involved the public would be in the development of the standards. (Victoria, May 28, 2002)

Bill Cafferata, the chair of the Forest Practices Board told the panel that it is imperative everyone understand the rules. "For a results-based model to work, the intended results need to be clear and measurable and everyone involved will need to have a shared understanding of the intended results. Otherwise, forest companies won't know what is expected of them and the public won't trust the companies or the government. It is too early to say whether this will be the case. It is clear that neither results nor objectives have yet been established for some resources, such as biodiversity, wildlife trees, ungulate winter range, visual quality and identified wildlife. In some cases, the intended results described in the discussion paper are not clear or measurable." (Victoria, May 28, 2002)

Despite the call for clear results, the MLA Panel also heard the code needs to be flexible enough to account for variations in forest health and the fact that natural systems, like forests and range, are inherently dynamic and not static over time. Ken Day of UBC's Alex Fraser Research Forest was very clear on this point. "Objectives need to be measurable, but also provide qualitative guidance to long-term planning, allowing a silviculturist to select from alternative approaches to achieve the goal. The direction must be at a resolution that will inform plans for a given site, and recognize the ecology of site." Or, as he bluntly states "don't ask a licensee to grow fir in a spruce bog." (Williams Lake, June 19, 2002)

The panel also heard repeatedly, the proposed results-based formula would transfer the administrative burden to industry and not result in any cost-savings. On this point, it was emphasized that lowering costs to industry, by way of finding transactional and operating savings, was supposed to be one of the main objectives of the results-based code.

Lignum's Dave Peterson included the idea of "transition" as another significant cost driver. He did this by reminding the panel that "we estimate the direct cost to industry alone of the transition to the existing code [in 1995] were over $100,000,000.00" (Williams Lake, June 19, 2002)

Steve Lorimer of TimberWest also called the proposed code "inflexible" and noted that professional reliance is not given a strong enough role. (Nanaimo, May 29, 2002)

Logging contractor and forester George Burns told the panel in Smithers: "The current Code does not prevent innovation. Foresters are not restricted from proposing new or innovative things. However, getting approvals for innovative forest practices is difficult. Decision-makers are more comfortable staying within the bounds of prescriptions and practices defined in Code guidebooks. The proposed system of Goals, Results and Rules would seem to be equally stifling. There will be little innovation if government is setting the goals, defining the desired results and outlining the rules that must be followed to achieve the results." (Smithers, June 14, 2002)

5. Professional Reliance

Professional reliance is one of the cornerstones of the results-based code discussion paper. To that end, the MLA Panel heard from the professional associations that govern people like foresters, engineers and biologists, and many individual association members themselves.

In their report to the committee, the Sierra Legal Defense Fund noted that: "Both because there will be limited review of logging plans and because of the loss of

input by ministry-employed experts, determining the appropriate manner of harvesting to achieve the results laid out in the Code will rest with logging companies and their contractors and the professionals they may employ. This is cause for concern." They expressed their opinion that "evidence suggests that B.C. professional foresters may not yet be capable of protecting the public interest under a deregulated code." (Victoria, May 28, 2002)

In their presentation in Nanaimo, the Association of British Columbia Professional Foresters supported the "development of the RBC in philosophical terms primarily because, if it is less prescriptive as proposed, it will facilitate professional reliance."

"As we see it, increased professional reliance will deliver the following benefits to the province:

- Natural resource professionals (professional foresters, engineers, geoscientists, agrologists) will have greater latitude to utilize their experience, and creative energy;
- Professionals will be better able to proactively ensure the right things are done in the first instance on a site specific basis;
- When/if some things go wrong, it will provide an element of professional accountability in addition to the licensee's accountability." (Nanaimo, May 29, 2002)

They also observed that if the proposed results-based code were to remain largely silent on the role of professionals in the legislation, the *Foresters Act* would have to be updated and strengthened if the results expected are to be achieved.

The Association of Professional Biologists of British Columbia outlined the relationship of its organization and membership to the forest industry. It correctly states "the results-based code is designed to assist government to meet its New Era commitment of delivering a scientifically-based, principled approach to environmental management, to ensure sustainability accountability and responsibility." (Mission, June 6, 2002)

The APBBC went on to state that "as sustainability and biodiversity become increasingly recognized as important forest values, it also becomes clear that a *Biologists Act* will be required to ensure that biologists are held accountable to their decisions regarding the forest environment." (Mission June 6th, 2002)

The Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) echoed much of what the other associations had to say. Like the others they are ready to embrace the results-based world and are taking the necessary steps to further develop standards of practice for their members working in the forest sector. The APEGBC also went on to state that the proposed results-based

code, and not just Companion Document #5, should "reference the fact that professional self-regulatory legislation in B.C. (i.e. the *Engineers and Geoscientist Act,* etc.) mandates the use of qualified registered professionals to carry out specific activities in the forest resource sector." (Kamloops, June 20, 2002)

The British Columbia Institute of Agrologists also briefed the committee on the role their members play in the management of forest resources. They, like the other associations, would like to see the legislation governing their profession strengthened and include the "right to practice."

All four associations, as well as many of the individual members, outlined some common themes:

- They all agree that moving toward a results-based regulatory regime is a step in the right direction,
- They all agree, however, in the fact that the discussion paper falls short of achieving the goal of increased flexibility,
- Each wants to work closely and cooperatively with government and other stakeholders as the process moves forward.

6. Land Use Planning

An essential element of the proposed results-based code is its reliance on landscape-level planning to guide operational planning and the delivery of results.

Understanding this, it was noted by many presenters that landscape-level planning has not been completed in most parts of the province.

Kwantlen College's Students in Action for the Environment told the MLA Panel "the subjectivity of the Results-Based Code is compounded by the discretionary nature of the results and rules; there is also an absence of clearly defined Land Use Objectives pertaining to the results and rules. There is no place for this level of vagueness in legislation." (Mission, June 6, 2002)

This view was echoed by Jim Cooperman of the Shuswap Environmental Council. "The white paper contends that explicit landscape level planning is needed to make the results-based scheme work. All user groups including the forest industry agree on one thing: the need for certainty on the land base. To achieve this certainty, we need landscape level plans with explicit objectives that are developed with stakeholder cooperation that protect all values including recreation, view sheds, water, biodiversity, and timber." (Kamloops, June 20, 2002)

The strongest comments the MLA Panel received were in those areas where a great deal of the land-use planning has already been done. In Williams Lake, every speaker stressed the importance of recognizing the integrity of the Cariboo-Chilcotin Land Use Plan (CCLUP). The Horsefly Rate Payers Association noted there is 10 years of "blood, sweat and tears in our CCLUP" and that "there is no clear commitment in the discussion paper to the maintenance under the proposed new legislation of the status accorded under the existing FPC to higher level plans, either existing or future." (Williams Lake, June 19, 2002)

The Cariboo Communities Coalition asked that the " Higher Level Plan legislation as it now stands not be destabilized." (Williams Lake, June 19, 2002)

Ken Day of UBC's Alex Fraser Research Forest argued "we will need to complete land-use plans to make the results-based code work." Day added that land-use plans are the "design work of forest management." (Williams Lake, June 19, 2002)

Len Vanderstar reinforced these ideas from the perspective of the Bulkley Valley, where legally established landscape units include a comprehensive set of landscape unit plans. "Not getting the house in order quickly will lead to failure of this proposed initiative." (Smithers, May 14, 2002)

Dunkley Lumber's Steve Sheldon stated "the LRMP and other land-use planning processes have set the framework for zonation. By defining objectives through zonation, the critical link between the public land-use planning process and the desired results of the RBC will be established. A key concept that must be implemented through zonation is that all values cannot be managed equally on each square hectare of working forest." (Written Submission, June 12, 2002)

The B.C. Wildlife Federation's Phil Hallinan went a little further and outlined one of the consistent criticisms the panel heard. "Since landscape-level planning is not completed in any of the province's higher level plans, we cannot see how clear and concise goals can be established that would ensure an adequate performance level in a results-based process."

The BCWF expressed additional concerns around the temporary landscape zones and objectives. They asked that government recognize the need for caution in their development, noting that planners be mindful of the permanent goals that will be established later. (Kamloops, June 20, 2002)

7. Resource Development Permits

The Resource Development Permit (RDP) is the centerpiece of the proposed results-based code and involves a series of four approval tests before a permit can

be issued. It was within the context of this permit and these tests that many of the more specific comments were made.

a) Test #1 – conflicts with other tenures or rights

The first test requires that proposed development units not conflict with other tenures or the legal rights of others in the RDP area. Many presenters spoke to this one item.

Trappers, who made presentations at nearly every public hearing, were thankful their tenures were being recognized up front, but want to ensure they will be notified of forest development and will have the opportunity to comment and make changes to proposed development. Of great concern to trappers is who would adjudicate a conflict between two tenure holders when impasses occur. The discussion paper currently says "the District Manager will not act as an adjudicator for conflict resolution."

Ron Lancour of the British Columbia Trappers Association said, "the BCTA believes in a consultative process of open communication and planning with a mechanism for review, appeal and dispute resolution." (Merritt, June 14, 2002)

Ranchers expressed similar concerns. In many parts of the province, their tenures completely overlap with forest licenses and, while there is generally a good working relationship, conflicts do occur. Shirley Hamblin, a rancher from Houston, provided this comment: "The section on RDP tests is troubling. The District Manager has always been available to adjudicate and must retain this role." (Smithers, May 14, 2002)

In the Kootenays, there was considerable discussion about conflicts between forest licenses and domestic water licenses. This area of conflict has far more complexity and history than this report has the capability of reflecting.

Richard Allin of the Hills Watershed Committee stated that "most people outside the valley's three villages, built and maintain their own water collection and delivery systems…Our water licenses come with no guarantee of supply, in contrast to the guaranteed timber supply that comes with a timber license. Rather, our water licenses allow us to use the water as long as it is available." Moreover, according to Allin, these licenses have no legal rights that would qualify in the context of the RDP Test #1. (Nelson, June 3, 2002)

Forest licensees in the Kootenays understood this potential for conflict and said their community involvement and relations with water users has, in the past few years, reduced but not eliminated the level of conflict. Hans Louwe of Atco Lumber expressed it this way: "In the West Kootenays you don't have far to go before you find yourself operating in someone's domestic watershed. Those of us

that have a high percentage of our operating areas within a domestic or community watersheds are generally doing so in concert with a representative watershed committee." (Nelson, June 3, 2002)

For Reiner Augustin of Kalesnikoff Lumber (KLC), 80% of his company's timber supply comes from areas that are also a source for domestic consumptive water use. He recognizes that "we have little control over other tenured rights issued by government. The results-based code suggests that we will be responsible for the potential impacts on these rights.....The industry is not the landlord. As the owner of the land, the Crown has an obligation to allocate its uses in a fair and equitable manner. This includes recognizing the socio-economic implications and risks associated with allocation decisions." (Nelson, June 3, 2002)

b) Test # 3 – consultation with the public

In the third RDP approval test, it must be confirmed that the person applying for the permit has gathered and considered information from the public regarding the proposed development units. It was nearly unanimous among those who gave input to the MLA Panel for the need to maintain a strong public presence in the RDP review process.

Comments from Harry Drage, RPF, summed up what many people told the panel. "The Resource Development Permit, as the key component of the Results Based Code, must be built on sufficiently specific information to enable knowledgeable review and comment, and meaningful participation of people to help minimize the possibility of undesirable impacts." (Victoria, May 28, 2002)

Judy Johnson of Quadra Island Forest Watch wrote in a letter to the panel: "The ability and opportunity for the public to be able to continue to comment is extremely important and the proposed code jeopardizes this." She continued: "sufficient information about proposed logging and road building must be given." And like many others she wanted this information to be readily available to the public. (Written Submission, Victoria May 28, 2002)

Ken Wu of the Western Canada Wilderness Committee echoed those thoughts and suggested the "people of this province have built considerable capacity to respond to logging plans." (Victoria, May 28, 2002)

Randy Byford of Galloway Lumber in Cranbrook said the current process has built public trust and that needs to be enhanced. He is worried the proposed code will reduce input and is a proponent of keeping the existing public review process.

Dave Peterson of Lignum Ltd echoed that sentiment, suggesting that the government consider legislating public involvement.

A number of forest industry presenters talked to the MLA Panel about their innovative ways of consulting with the public. For example, Weyerhaueser Stillwater Division, with a pilot project well underway, discussed its public consultation methods, which involves liaising with a community advisory group. In a letter to the MLA Panel, Eagle Walz, chair of the Stillwater Community Advisory Group, stressed that "consultation can be successful; our Stillwater pilot is living proof of it."

All of this speaks to the importance of public confidence in planning processes under the code, according to the Association of B.C. Professional Foresters, which made a presentation in Nanaimo. "The credibility of the results-based code will depend on the confidence it inspires in the people of B.C. relative to the planning process. As proposed, the obligations on the licensees to involve and consult with the public are minimal. The Committee needs to assure itself that they are sufficient to earn public confidence in the system." (Nanaimo, May 29, 2002)

8. Conflict Resolution

Rising out of these two Resource Development Permit approval tests - public consultation that satisfies the district manager, and the identification of all tenure conflicts – was public discomfort with the district manager's role in mediating or settling conflicts that arise out of competing interests on the land base.

Out of the many types of conflict that arise in the forests over differing resource values, there were two notable areas where the absence of conflict resolution or adjudication would present obstacles for efficient decision-making and management. The first is the aforementioned conflicts between competing values that will arise even after a RDP is approved. The second is the conflict that arises, more often than not, between licensees and the various Ministries within whose jurisdiction they may be operating.

For Reiner Augustin of Kalesenikoff Lumber, "government must recognize that the forest industry's influence on the management of the other resource values and tenures is limited. Consequently the industry's responsibility for those values and tenures is also limited." (Nelson, June 3, 2002)

The second type of conflict was outlined for us on our first day of public hearings in Prince Rupert. Gordon Hull, a logging contractor in the North Coast region, wanted to know who would hold the various agencies accountable for the decisions they make either in their evidentiary requests at the RDP level, or more importantly at the compliance and enforcement level. "These people won't be accountable for the interpretations they may have and these can financially ruin small operators." (Prince Rupert, May 13, 2002)

This line of thinking was echoed by Mark Ignace of North Coast Log and Lumber, another Small Business Contractor from the North Coast. "There is a terrible inconsistency between district offices on the coast and even the individuals within those offices, and there needs to be some level of recourse for those operators on the ground." (Prince Rupert, May 13, 2002)

9. Consultation with First Nations

At several of the public hearings, the MLA Panel heard presentations from First Nations that covered a range of issues.

One consistent area of concern was how the proposed results-based code would manage cultural heritage resources. As Miranda Squakin and Philippe Batini of the Upper Similkameen Band commented: "The [results-based code] indicates that *the Heritage Conservation Act* will be followed. As this piece of legislation is under review and likely to be revised in the near future, the issue of cultural heritage resources will be in limbo until changes are made to the *Heritage Conservation Act*." (Merritt, June 19, 2002)

Moreover, several First Nations wondered how cultural heritage resource would be identified "with no requirement to conduct Archaeological Impact Assessments (AIAs)." (Raymond Warden and Thomas Munson, Ktunaxa Kinbasket Treaty Council, Cranbrook, June 4, 2002)

First Nations also made considerable reference to what they believe are the inadequacies of the information provided in the RDP. The Ktunaxa Kinbasket Treaty Council described the RDP as a document of limited use insofar as it may not contain "exact information on location of proposed roads and cutblocks, season and methods of harvesting." (Cranbrook, June 4, 2002)

Andreas Artz of the Little Shuswap Indian Band expressed a concern about expanding corporate control on the land base, which could pose a problem at the treaty table. (Kamloops, June 20, 2002)

All of the First Nations groups that provided input to the MLA Panel emphasized First Nations' rights to "meaningful consultation." As Nathan Matthew stated in his submission "land use decisions are subject to our informed consent – a legal principle that is our right." (Kamloops, June 20, 2002)

Providing a legal definition of the term "consultation," particularly in light of new rulings recently issued by the Canadian courts, is beyond the mandate of this panel and the scope of this paper. What is clear, however, is the desire amongst First Nations to be fully involved in the establishment of a new regulatory framework that will govern the manner in which harvest activity occurs on the land base.

10. Amendments to Resource Development Permits

One of the most consistent concerns the MLA Panel heard was that it would be impractical and inefficient to not allow licensees to amend the RDP once the district manager approves it. Industry was universal in its desire to have a provision under the results-based code that allows licensees to amend RDPs.

This sentiment was reflected in the comments from Dunkley Lumber's Steve Sheldon. "Operational changes must be enabled in the RDP process. The results-based code, which proposes a new RDP each time a change has to be made, seems like a step in the wrong direction. Amendments in the Forest Practices Code Development Plan, including block and road location, are often minor in nature and do not impact meeting resource management objectives. Professional reliance should enable amendments to the RDP as long as the desired results are being achieved." (Written Submission, June 14, 2002)

Hans Louwe, woodlands manager for Atco Lumber, commented on another concern expressed by nearly all licensees. "Although we like the 30 day turn around for a RDP, there is no provision for "gating" (protection) of the development shown/approved by and existing RDP. It simply expires, with no protection as provided by sections 21 and 22 of our present code."(Nelson, June 3, 2002)

Many licensee want all the design and engineering work that goes into a road or a block to be maintained when a RDP expires. They fear the loss of this protection and the continual re-application will be very costly.

11. Certification as an incentive

From the outset of the public hearings, certification was raised again and again as a positive development in forest management. The practice of seeking independent third party certification of forest practices has become one of the best tools industry has to build public confidence, maintain market access, and defend practices against concerns raised by environmental groups.

There was also suggestions that certification by industry should lead to incentives, with one possibility being a reduced evidentiary burden in the RDP process. Certification is also consistent with many of the Innovative Forest Practices Agreements, Code Pilot Projects, and Sustainable Forest Management regimes that increasing numbers of licensees are adopting.

Canfor chief forester Peter Baird told the MLA Panel in Prince George that, as a company, they are ready to embrace a results-based world. Through its work in Sustainable Forest Management planning, Canfor has used local residents to help

identify values, goals, indicators, objectives, results monitoring, and adjustments that lead to innovation and continuous improvement. Canfor's practices will be plan-specific and so will the compliance and enforcement regime. (Prince George, May 15, 2002)

What troubled many licensees and, indeed other presenters, was that none of these plans were accounted for in the proposed results-based code. Kim Allen, of the District of Mission, which has held TFL 26 since 1958, argued that "there is no recognition of the high standards achieved by many licensees via independent certification programs. This will lead to duplication, contradiction, higher costs, and reduced market confidence." (Mission, June 6, 2002)

Marino Bordin, planning forester for Adams Lake Lumber, told the MLA Panel that, for his company, because of market access issues, "certification has come to play a larger role than the Forest Practices Code." (Kamloops, June 20, 2002)

Many presenters argued that it is this type of approach – "all stick no carrot" – that will stifle innovation and produce mediocre forestry in British Columbia. Some offered that licensees should earn a results-based code for their operations. Len Vanderstar of the Bulkley Valley Communities Coalition stated that "forest licensees should have a demonstrated record that they can sustainably manage public resources in an integrated fashion before being permitted to engage in a results based operating environment." For Mr. Vanderstar the shift to a results-based approach should be viewed as a privilege, not a corporate right." (Smithers, May 14, 2002)

12. Roles and responsibilities of agencies

In each of the public hearings the MLA Panel held across the province, presenters commented on their confusion as to (a) which agency was responsible for which part of the proposed results-based code, and (b) how each of the three Ministries (Forests, Water, Land and Air Protection, and Sustainable Resource Management) would interact while fulfilling their responsibilities under the code.

In reviewing the discussion paper, Norm Fennell concluded that, while "the document says there will be no joint statutory decisions – this will not really be true…The new results-based code would have three agencies involved: Ministry of Sustainable Resource Management setting most landscape objectives; Water Land and Air Protection setting water quality objectives, IWMS, and UWR; and, Ministry of Forests setting VQOs and approving the plan. Thus the RDP will have three sets of moving goal posts that have to meet the four tests." (Kamloops, June 20, 2002)

As Reiner Augustin said: "We don't think it is reasonable to have three agencies, none of which have an economic responsibility for decision-making, involved in resource allocation decisions. We foresee confusion, delays, and increased costs in this approach. For industry, it will be a shell game and the challenge will be to find the agency that has the pea." (Nelson, June 3, 2002)

13. Compliance and enforcement

The issue of compliance and enforcement garnered strong comment from those who believe the system will not provide enough environmental protection and those who worry it puts too much emphasis on punishment and not enough on innovation.

From the environmental perspective, compliance and enforcement, no matter how tough, would be too late.

Ken Panton told the MLA Panel in Mission that "given the damage that can occur by a licensee, the proposals in the results-based code for "after-the-fact" resolution are unacceptable. The damage has already been done, be it over-cut, landslides, damage or destruction of streams (fish bearing or not), etc. Not only is there no guarantee the culprits will be caught , there is no guarantee that the government will take any action even if they are caught." (Mission, June 6, 2002)

For these critics any move away from the existing prescriptive approach of the current Forest Practices Code is problematic.

In addition to concentrating on after-the-fact enforcement, a number of presenters mirrored Denise English's comments in Golden. She and others felt the reductions to staff in the various ministries over the past few years and those that will occur over the next two years will make it difficult for even a results-based regulatory regime to be monitored. (Golden June 5, 2002)

Conversely, some presenters worried there is too much emphasis on penalties and not enough on incentives to encourage industry to continue good practices.

The role of each of the agencies in the context of compliance and enforcement was also raised as an issue. Manual Kindt, a consulting forester from Prince George, echoed something the panel heard time and again. "The punitive action to a licensee may be the result of a difference of opinion between the MoF and WLAP, not necessarily any failure to perform or a lack of due diligence on the licensees part." (Prince George, May 15, 2002)

Kerry McGourlick, chief forester for Western Forest products, expressed the "concern that we could see a return to the early days of the current Code when

zealous compliance and enforcement activities were carried out without any consideration as to whether there was actually a problem. This could be further complicated by both MoF and WLAP being mandated with the enforcement of different values." (Nanaimo, May 29, 2002)

Bob Helfrich of Weyerhaueser's Interior Division recited an old saying to illustrate the point: "Give a man a hammer and everything starts to look like a nail." (Merritt, June 21, 2002)

All of this speaks to the necessity for clarity around the expected results. Tim Smith of Canfor expressed it this way: "It is vitally important that there be a common understanding by government, licensees, and others as to what the expectations are and what a "good" result looks like. We believe that the process to ensure this happens should be proactive rather than reactive." (Smithers, May 14, 2002)

One aspect of compliance and enforcement identified as lacking as a process for conflict resolution. This issue was discussed at great length in the context of the RDP Test # 1, but it also resurfaced a number of times in the context of discussion about compliance and enforcement. Presenters asked the question: *Who will handle these types of interagency disputes and/or the disputes that will arise over whether the results have been achieved?*

14. Consistency across industries

One of the more valuable lessons the MLA Panel learned was that there are regional differences that manifest themselves across British Columbia. One that came to our attention early in the public hearings was the conflict that exists in the Northeast between forestry operations and those of the oil and gas industry.

Slocan forester Kevin Kuhn told the panel that the oil and gas industry can and does have a bigger impact on the allowable annual cut in the Northeast than the forest industry. Timber harvesting associated with oil and gas operations involves the cutting of survey lines, well sites, and pipeline corridors. Some presenters asked: *How will this be accounted for in the results-based world, especially if licensees are strictly liable for achieving "results?"*

15. The role of due diligence

By design, the discussion paper posed a question to the people of British Columbia by asking people to consider the "three schools of thought that have emerged" regarding the concept of due diligence as a defense to administrative penalties. Simply stated, the three schools of thought are that a) due diligence

should apply (*'strict liability');* b) due diligence should not apply (*'absolute liability')*; and, c) as a combination of the two, due diligence should partially apply.

The MLA Panel heard a wide range of opinions on this issue and many people, especially the lawyers who made presentations, turned their minds to this debate.

Jessica Clogg, a staff counsel at West Coast Environmental Law, commented that due diligence or the 'we tried defense' will mean that "strong enforcement will be undermined and increase the cost of enforcement, as both sides line up their lawyers and legal experts to argue about what the vague results, rules and exemptions really mean." (Mission, June 6, 2002)

The Communications Energy and Paperworkers Union Local 404, from New Hazelton, expanded on this thought. They warned against using a due diligence defense "to escape some or all of the consequences of a breach. This approach would undermine the idea of the results-based approach, which is intended to place the responsibility of meeting the results on the logging companies, and to provide the strongest incentives for logging companies to meet those results." (Smithers, May 14, 2002)

The B.C. Chamber of Commerce forestry committee chair, Dennis Ryan, was very clear with the panel in his presentation in Kamloops. "Due diligence must be a complete defense..." He went on to add we must "abolish the administrative regime completely. There is no other body of environmental legislation enacted in British Columbia or federally that permits a dual enforcement regime. The ministry should not be the police officer and the judge and the jury. Nor should industry or government face the huge costs in managing the administrative regime. The ministry should be required, as with other environmental legislation, to issue a violation ticket or, if warranted proceed with prosecution. The accused would then have the opportunity to appear and present any defense of due diligence before a judge who should be able to weigh the evidence and render a decision based on legal principles." (Kamloops, June 20, 2002)

From the industry perspective, Weyerhaeuser representative Caroline Findlay explained it succinctly. "Accountability means holding licensees responsible for results that they have reasonable control over. Nature cannot always be controlled and this causal reality needs to be dealt with in both the expression of 'results' and the standard of performance and compliance side of the law's design," she said. "In short, it should be clear that licensees are expected to take reasonable care to prevent resource impacts and that failing to do so will have penalties or may require remedial strategies. An administrative penalty system that allows due diligence as a full answer to compliance obligations will promote excellence and create incentives for compliance."

Gary Mancell, a forester, lawyer, and Adjunct Professor of Law at UBC, told the panel in Mission that "while there is certain elegance" to the combination approach, it will be troubling in part because "it does not encourage better behaviour. Although there have been numerous judicial pronouncements on the content of due diligence, one thing is clear, it is a very high standard to meet. A person cannot be expected to do more than take all reasonable steps to prevent an occurrence. Subjecting a person to absolute liability, even notionally for a compensatory component of an administrative remedy will not encourage better behavior." (Mission, June 6, 2002)

16. Woodlots

Throughout the public hearings, woodlot licensees made consistent and detailed representations to the MLA Panel on how a results-based regime could assist them in their operations, how they were ready for the shift, but how the discussion paper falls short in allowing them the 'freedom-to-manage' they need for their small area-based tenures. In short, they felt that woodlot licensees should have a results-based code of their own that reflected more accurately their scale of operation.

There was almost universal disdain for the existing FPC by the woodlot licensees. Rod Blake summed up what many had to say. "Far too much time is spent checking that I am in compliance with some meaningless date on a meaningless permit." (Williams Lake June 19, 2002) Robin Hood said, "I find myself managing my woodlot from in front of my computer instead of out in the forest, where I should be." (Williams Lake, June 19, 2002)

And, Rod Krimmer added "the best thing a manager can apply to his land is his footprints" as part of plea to allow the regulatory world for woodlot owners to become simpler. (Williams Lake, June 19, 2002)

A submission from the Federation of B.C. Woodlot Association noted that woodlot licensees currently are required to submit a total of 10 plans, permits, appraisals, and reports. In the results-based code discussion paper, it appears they will have 11 to submit.

Mark Adamson, a licensee in Smithers, provided his vision of what this might look like: "I feel that a woodlot licensee should be required to create a comprehensive plan for the entire woodlot which identifies and classifies all streams and identifies all other important values within a woodlot (an RDP would work fine). Once the RDP is in place, the woodlot licensee will be required to produce the results specified in the code, however the woodlot licensee would not require any further permitting for road building or cutblocks. The licensee will be controlled by AAC and by compliance audits." (Smithers, May 14, 2002)

Jerry Brenner of Quadra Island told the panel that woodlot licensees, if given "the ability to consult with professionals when appropriate, as well as the public when required in the test for the RDP, can produce a high standard of innovative and exemplary forest management based on local knowledge, experience and good science, without a heavy prescriptive burden will produce excellent results." (Nanaimo, May 29, 2002)

The panel heard from other users of the FPC that the government's next steps should include consultation with woodlot licensees so that a simple, plain-language code can be drafted for this type of forest tenure.

17. Range

The MLA Panel heard from a number of ranchers across the province. During the course of the presentations and ensuing discussion, there was a consistent refrain that range management would benefit from a framework of policy that was outside the scope of much of forest-related requirements in the proposed results-based code.

The B.C. Cattlemen's Association manager David Borth and president Agnus Jackson told the panel in Kamloops that: "Legislation and policy concerning the management of Crown range can parallel that of timber lands but government needs to consider that forest tenures and range tenures do not fit neatly under the same regulatory regime. The BCCA notes that there is some recognition of this in the discussion paper. Revisions to the forest practices code should reflect this as well." (Kamloops, June 20, 2002)

Just as many presenters debated the definitions of "results" (i.e., whether they could be monitored, achievable or ultimately enforceable) in the forest management section of the discussion paper, the range community had the same concerns with concepts such as range readiness, stubble heights, browse use levels, proper functioning condition, and desired plant community.

Judy Guichon commented that "with weather creating such huge variation in soil moisture and temperature, fluctuations from one year to the next may be huge....My point being that to measure stubble heights is simply a reflection of the present moisture cycle. The challenge is to manage these tremendous variations for continuous improvements in ecosystem processes." (Merritt, June 19, 2002)

Ms. Guichon went on to illustrate the complexities of "results" when addressing the audit process. "With any one-time audit we are only judging the grass, the riparian areas, the range at one point in time. How does the area compare to

twenty or thirty years ago. How well did it survive the grasshopper years, the drought years, the high water years?" (Merritt, June 19, 2002)

One area of conflict identified by all ranchers is liability for everything that occurs within their Crown rangelands. Randy Reay of the Kootenay Livestock Association stressed how hard the ranching industry is trying to work on the management of riparian areas but that "in many cases, serious riparian damage is caused by the irresponsible use of ATVs." (Cranbrook, June 4, 2002)

Mike Rose of the Nicola Stock Breeders echoed this by commenting that, as the government reduces its oversight in recreation sites, there is potential for this conflict to grow. Others ranchers noted that gates left open by mountain bikers and hikers can be very problematic for managing range.

Randy Reay described a situation in which the existing FPC and other forest policy prevents the region from responding to needs around loss of grasslands due to in-growth of forests, and cited this as an example of how the FPC fails to deal adequately with non-timber values and concerns. He also raised the issue of building fire fuels in forests where range enhancement (thinning and tree removal) is obstructed by the timber-based management regime. (Cranbrook, June 4, 2002)

Every rancher mentioned the spread of noxious weeds as a critical problem to the industry. Not only are they concerned that much of the responsibility will be theirs under the new results-based regime, but that they have little control over the spread of noxious weeds. "It is unreasonable and impractical, however, to specify that forest and range tenure holders be held fully accountable for the presence of invasive plants – whether as a result or a rule. There are many potential "agents' that spread noxious weeds, including recreational users and wildlife, which do not share in such responsibilities." (Kamloops, June 18, 2002)

There are a large number of issues, including invasive plants, forest in-growth, all-terrain vehicle use and general recreation that ranchers feel are beyond their ability to control – yet under the current tenure system and both the current code and the results-based model they will remain liable.

Ranchers all pointed out that there are no simple answers to any of these issues and Judy Guichon provided her vision of what the results-based code legislation should aim for from the ranching perspective:

1. Return revenue to the crown and create economic activity.
2. Promote responsible stewardship of the crown resource.
3. Safeguard the resource for future generations. (Merritt, June 19, 2002)

Jim White, an agrologist and range management professional, told the panel in Merritt that it is important to understand the ranchers themselves if the government is going have an effective, results-based regulatory environment.

- Ranchers are different from forest licensees. Forest licensees have equivalent professionals in government and roles can be interchanged. Few forestry officials could become ranchers.
- Ranchers do very poorly in an 'enforcement' environment.
- They are more 'relational' and work better in person out on the range than they do with paperwork, but they do not seek out government staff.
- Ranchers value the close tie to the land, which for many of them, has developed over generations. (Merritt, June 19, 2002)

Like other sectors presenting to the panel, range users see potential in the concept of the Range Use Plan, but it needs to be managed carefully and cooperatively as we move forward with the legislation for a results-based code. As Jim White indicated, "the leadership given in a Results Based Code must bring ranchers and range staff together, not drive them apart as the most recent process tends to." (Merritt, June 19, 2002)

Ranchers were also in complete agreement that they should be brought into the process as the legislation is being crafted in Victoria.

III SOME RELATED INTERESTS

The MLA Panel heard from a number of presenters who expressed particular points-of-view on issues directly related to the proposed results-based code and issues of a more general forest policy nature.

Ron Langdale brought up the issue of non-timber values such as the pine and chanterelle mushroom industry that has established itself in B.C. He said it is largely unregulated, but should be given consideration within a new results-based code.

There was considerable discussion about small-scale salvage operations, and how the new regulatory regime would impact the ability of salvage operators to conduct their business. More often than not, the value of the salvage portion of the industry, and how poorly it is treated by licensees and regulators, became the focus of presentations by salvage operators. Rob Schneider made the point this way: "We must take every possible way to eliminate any waste that can be recovered without detrimentally affecting the environment or other people's needs. We must create a system or mechanism to deal with this problem and at the very least, create a job in harvesting and utilizing the fiber before it becomes worthless." (Smithers, May 14, 2002)

The Canadian Avalanche Association, and some other professionals like Jack Bennetto, manager of avalanche and radio programs for the Ministry of Transportation, made presentations to the panel. They were pleased to see avalanches being recognized in the terrain hazards section of the proposed results-based code, but asked that the teams of professionals currently managing avalanches in B.C. – the experts – be recognized as such in the results-based code.

There was also considerable time devoted to the topic of Forest Service Recreation Sites through the panel's 13 days of public hearings. The most extensive discussion was in Golden, where representatives of local governments, small business, and outdoor clubs took part in a presentation led by Lee Malleau of the local Economic Development Office.

Barb O'Neal recommended that section 6 of Part 2 of the existing FPC be retained to allow the Chief Forester to continue to establish interpretive forest sites, recreation sites, and recreation trails. She further recommended that section 105 of the existing FPC be retained to allow district managers to protect or manage recreation forest resources. (Cranbrook, June 4, 2002)

While some of these topics are outside the scope of the MLA Panel's mandate, all of the concerns raised in rural British Columbia are important to both Minister de Jong and the MLAs. These issues will have to be addressed in policy and discussion that will occur over the next few months.

IV CONCLUSION

"I have emphasized the importance of economic development and restoring a vibrant economy. We will not, however, achieve economic development at the expense of a sustainable environment." – **Premier Gordon Campbell**

Touring every region of this vast province reinforced one central truth for all the MLAs: throughout British Columbia there are communities and families that are depending on our government to live up to the promise of hope and opportunity for their lives. And for many of those people, forestry is profoundly connected to their future.

On May 1, 2002, the government took the unprecedented step in forest regulation reform of presenting a discussion paper for full and open debate. The decision to invite input from British Columbians in the creation of a new forest practices code was a wise one. The thoughtfulness, understanding and passion that exists across this province on issues like this is important for government to hear. This, like a number of other initiatives, has reinforced the belief that public policy can be improved when MLAs reach out to British Columbians for advice and counsel.

It was evident from the majority of presenters that British Columbians support the government's direction – creating a workable results-based forest practices code that maintains high environmental standards is desirable and, for many, achievable. To that end many people offered a myriad of suggestions on how to improve the discussion paper.

A frequent comment, from all sides of the political spectrum, was the need for continued public involvement by British Columbians in the development of this key piece of public policy.

John Bergenske of the East Kootenay Environmental Society concluded his remarks by telling the committee that it will take adequate time to get these reforms right and that the government should reinforce its commitment to meaningful change. (Cranbrook, June 4, 2002)

Carman Smith, RPF #593 with Gilbert Smith Forest Products, summed up much of what we heard regarding desired next steps when he asked that the government engage in meaningful dialogue with operational foresters and planning foresters, other professionals and their counterparts in the various ministries. (Kamloops, June 20, 2002)

This report clearly defines and outlines the concerns and hopes of British Columbians. The government, according to the majority of presenters, is taking the proper steps to revitalize the forest sector and ensure it has a competitive future. They also made clear how we could improve the discussion paper as it

moves toward legislation to meet the needs of the environment, industry, government and future generations.

The other lesson learned is that government should continue to take advantage of the knowledge that exists in all parts of British Columbia. Communities, and a broad range of interests within those communities, are committed to making sure decisions reflect their needs and desires. In short, people of B.C. want a greater role in determining their future. We would encourage government to recognize this fact and encourage it to continue facilitating this type of outreach.

In conclusion, we want to thank everyone who took the time out of their busy lives to prepare presentations and submissions to our group. The responsibility now lies with the government to make decisions that balance all the input that was received in the consultation process and create a forest practices code that truly works for British Columbia.

These decisions will reflect what most British Columbians desire, to see this province lead our nation in hope, opportunity and prosperity. The forests, and the economic opportunity that they can provide to an array of industries, will play a critical role in achieving that goal.

This process has confirmed that by working together, British Columbians can create a province we can all be proud of, one that maintains a strong economy and environment.

Appendix I

List of Presenters

Prince Rupert, Monday, May 13, 2002

Paul Alton	SBFEP
Gordon Hull	Don Hull & Sons Contracting – logging contractor
Jack Miller	QCI, Logger, Environmentalist, veteran of government process
Derek Curtis	Skeena Cellulose
George Hayes	Maritime Institute, Engineer with SCI, retired
Mark Ignas	North Coast Log and Lumber Association
John Nester	Northwest Loggers Association
Ken Houlden	
Peter Schaf	Area Manager – North Coast Operations, interfor
Don Allen	Manager, Prince Rupert Economic Development Commission

Smithers, Tuesday, May 14, 2002

Len Vanderstar	Bulkley Valley Communities Coalition
Tim Smith	Woodlands Manager, Canfor
Mary Dalen	Meanskinisht Village Historical Association, Kitwanga
Bob Schneider	Burns Lake – Lakes LRMP
Ivan Thompson	Forest Ethics
Mo Azaz	CEP: Local 404
Scott Rowsell	Pro-Tech Forest Resources
Tavis McDonald	
Josette Weir	
Mike Simpson	Executive Director, One Sky
Sybille Haeussler	Northwest Natural Resources – Network
Adrian De Groot	
Shirley Hamblin	Bulkley Valley Cattlemen's Association
Sharon Smith	Deputy Mayor Houston
Mark Adamson	Bulkley Woodlot Association
Christoph Dietzfelbinger	Woodlots – commercial back country tenure holder
Marvin Strimbold	Woodlot owner
Helmut Hummel	Lakes LRMP Monitoring Committee
Cameron Brown	

Rosemary Fox	Sierra Club
George Burns	Forester, Logging Contractor
Ron Langdale	Mushroom Industry, Trapper

Prince George, Friday, May 15, 2002

Bernard McKay	Executive Director, B.C. Trapper Assn
Mark Feldinger	General Manager of Woodlands, Canfor
Peter Baird	Chief Forester, Canfor
Lara Beckett	Biologist
Robert De Groot	Private Land Owner in Slocan Valley
Barb Cosh	
Steve Nycholat	FDB Resources
Ronda Curtis	
Dan Rogers	North Central Municipal Association – Councillor PG
Lee Hill	PG Chamber of Commerce
Jamie McLellan	R.P.F.
Mike Nash	Lay Member ABCPF, 20 years experience in forestry, Veteran of land use planning
Stewart Sinclair	Vanderhoof Chamber of Commerce
Manuel Kindt	
Colin Kinsley	Mayor of Prince George
Norman Dagnais	Road contractor
Roy Howard	Fraser Headwaters Alliance
Roy Nagel	Central Interior Logging Assn
Brian Harding	Prince George Woodlot Assn
John Johnson	RPF and ecologist, timberline
Byron Ghyrtz	BCGEU
David Doust	Forestry Advisory for local 9 of PPWC

Fort Nelson, Thursday, May 16, 2002

John Wells	President, Fort Nelson Trappers Association
Chris Morey	Councillor of Town of Fort Nelson – Northern Rockies Regional District
Kevin Huhn	Slocan FP – planning forester

Victoria, Tuesday, May 28, 2002

Syd Haskell	President, Carmanah Forestry Society
Bill Cafferata	Chair, Forest Practices Board
Mary Desmond	President, Shawnigan Lake Watershed Watch
Lisa Matthaus	Sierra Club
Robert Mazerolle	Private individual

Heidi Halmakoff	Interfor
Harry Drage	R.P.F.
Don Startin	Private individual
Ken Wu	Western Canada, Wilderness Committee
Devon Page	Sierra Legal Defense Fund
Jill Thompson	Vancouver Island Forest Coordinator, Sierra Club
Council of Forest Industries Delegation, including:	
Ron McDonald	President, COFI
Brian Zak	President, Coast Forest & Lumber
Gord Rattray	General Manager, Cariboo Lumber Manufacturies Assn
Greg Jadrzyk	President, Northern Forest Products
Brian Gilfillin	
Peter Affleck	
Gary Crooks	President, Interior Lumber Manufacturers Assn
Celso Mendoza	PHD – Toxicology Phillipines-Borneo
Caroline Findlay	Blake Cassels, Vancouver law firm
David Ormerond	Independent Forestry Consultant
Jeremey Webb	President, Recreation Resources
Colin Campbell	

Nanaimo, Wednesday, May 29, 2002

John Betts	Western Silviculture Contractors Assn
Dirk Brinkman	
Jack Turner	Vice chair of Comox Strathcona Regional District
Jerry Benner	RFP NI Woodlot Association
Robin Modesto	Interfor Operations Engineer
Harry Barrett	Interfor
Richard Boyce	Master Woodlands, Manager
Brian Brown	Armagh Forest Products
Russ Hellberg	Mayor of Port Hardy
Steve Lorimer	Timberwest
Walter Cowlard	Weyerhauser, Stillwater Division
Doug McCormick	
Jack McLemen	Port Alberni & District Labour Council
Shawn Flynn	RPF Greenmax Resources
David McBride	
Kerry McGourick	Chief Forester, Western Forest Products
Joe Thorne	Dididaht First Nations

Van Scoffied	B.C. Registered Professional Foresters
Mike Larock	
Jerone Marburg	
Annette Tanner	Western Canada Wilderness Committee
Fay Smith	Mid-Island Habitat Enhancement Society
Mike Steemy	
Bill Waugh	Weyerhaeuser
Phil Carson	Pacific Rainforest Adventure Tours
Walter Matosevic	Canfor, Englewood
Walley Waggoner	B.C. Trappers Association

Nelson, Monday, June 3, 2002

Gary Exner	Mayor of Nelson
Bud Stohl	
Jennifer Yeo	Coordinator, Water Quality Monitoring – Slocan Valley
Ann Sherritt & Craig Pettit	Valhalla Wilderness Society
Robert Mattes	Central Kootenay Regional District
Glada McIntyre	Applied Ecological Stewardship Council of B.C.
Nadine Dicheron	Grandby Wilderness Society
Candace Batycki	Forest Ethics, B.C. Interior Program Director
Hans Louwe	ATCO Lumber Ltd.
Marilyn Burgoon	President, Perry Ridge Water Users Association
Greg Wasnie	Private Citizen
Antoinette Halberstadt	
Michael Wigem	Wydell Box & Lumber
Ron Riva	
Breden Wilson	Slocan Forest Products
Richard Allen	Slocan Valley Watershed Alliance
Reiner Augustin (RPF)	Kalentnikoff Lumber – Forestry Manager
Randy Trerise	Pope & Talbot – COFI
Dwight Wilson	

Cranbrook, Tuesday, June 4, 2002

John Bergenske	East Kootenay Environmental Society
Craig Lodge	Cranbrook Chamber of Commerce
Troy Hromadinik	Tembec – Chief Forester
Thomas Munson	Ktunaxa Treaty – Tribal Council
Ray Warden	
Maurice Hansen	Trench Society – Rocky Mountain Trench

Hank Krawczyk	Forest Resource Manager – Canadian Mountain Holidays
Dave Reeves	outdoorsman
Wes Pinsent	J.R. Blackmore & Sons
Bud Nelson	Galloway Lumber
Gordon Burns	President, Tourism Association Society of the Kootenays
Barbara O'Neil	East Kootenay Outdoor Club
Patrick Lucey	Aquatex-Scientific Consulting Ltd.
Stan Smith	B.C. Trappers Assn.
Brian Tiehlan	Salvage Loggers
Steve Ostrander	Woodlands Manager Slocan, Radium Division
Carmey Purdy	President, Kootenay Wildlife Heritage Fund
Randy Wright	Kootenay Livestock Assn.

Golden, Wednesday, June 5, 2002

Denise English	RPF, Woodlot Operator
Mayor Walter Red Scott	Mayor of Golden
Bob Holland	LP Engineered Wood Products
Jack Petman	Downie Timber
Gerry Wilkie	East Kootenay Environmental Society, Invermere Branch
Mr. and Mrs. Robinson	Private citizens

Mission, Thursday, June 6, 2002

Jessica Clogg	West Coast Environmental Law Association
Bill Rosenberg	Interfor
Brian Taylor & Don Robson	Teal Cedar Products
Megan Shannon	Students in Action for the Environment, Kwantlen College
Robin English	
Neila Jiles	
Kim Allan	Director of Forest Management District of Mission
Abe Neufeld	Mayor, District of Mission
Gwen Mailley	WCWC
Aran O'Carroll	Executive Director of Forest Watch
Peter Kokoska	Fraser Valley Woodlot Association
Bill Mark	President Canadian Avalanche Association
Sherry Conroy	Hatzic Prairie Durieu McConnel Creek Ratepayers Assn
Ken Stenerson	Scott Paper Ltd., Woodlands & Groundwood Pulp Mill Manager

Gary Mancell	Davis & Company, Lawyer & Forester
Linda Michahik	Association of Professional Biologists
Mel Kotec	
Carol Lamount	
Ken Panton	Vancouver resident
Heather Morlaycci	
Dave Radson	RPF
Bruce Edwards	Engineer, Hatzig Valley
Panos Grames	David Suzuki Foundation
Diane Gillis	Surrey

Williams Lake, Wednesday, June 19, 2002

Pat Teti	Geo Science
Brian McNaughton	Cariboo Woodlot Association
Robin Hood	
Rod Blake	
Rod Krimmer	
Ken Day	UBC Alex Fraser Research Forest
Nancy Opperman	Chilko Resource & Community Assn.
Duncan Baines	Rancher, Cariboo Chilcotin Resources Society
Barb Brown	B.C. Trappers Association
Arnie Jack	Williams Lake Indian Band
Lyall Klien	Rancher
Mike Romaine	Public Service Employees for Environmental Ethics
Dave Peterson	Lignum Ltd.
George Akins	Horsefly Ratepayers Association
Doug Routledge	Northern Forest Products Assn.
Bill Herbishire	IWA, Local 1425
Bill Curruthers	Share Cariboo Chilcotin
Bernard Hink	Chilcotin Tribesman, tourism operator
Brian Goodrich	Cariboo Community Coalition
Gord Rattray	CLMA
Guenter Weckerle	West Fraser
Gregor Leigh	R.P.F.

Kamloops, Thursday, June 20, 2002

Terry Stocks	B.C. Trappers Assn, Kamloops local
Carmen Smith	Gilbert Smith Forest Products, Blue River, Nth Thompson
Marino Bordin	Interfor – Adams Lake Lumber, Chase
Cliff Stainsby	BCGEU
Darrell Walker	BCGEU, Vancouver – Colony Farm Worker

Gerry McDougall	RPF – Independent Foresters
John Winter	B.C. Chamber of Commerce
Dennis Ryan	
Jim Cooperman	Shuswap Environmental Action Society
Ernie Graffunder	Clearwater Woodlot License Assn
Rick Summer	Tolko Industry
Nathan Matthew	Shuswap Nation Tribal Council
Brian McNaughton	Federation of B.C. Woodlot Assns
Andreas Artz	Little Schuswap Indian Band
David Borth	Manager of B.C. Cattlemen's Assn
Frank Anderson	Peoples Voice
Don Dobson	Professional Engineers – Geoscientists
Tim Smith	Chair – Joint Practices Board
Larry Bomford	P.Ag – Professional Agrologists
Jack Bennetto	Snow Avalanche Programs, Min. of Transportation
Phil Hallinan	B.C. Wildlife Feferation
Tony Brumell	People's Voice

Merritt, Friday, June 21, 2002

Gary Crooks	Interior Lumber Manufacturers Association
Nick Arkle	
Peter Affleck	
Mike Rose	Nicola Stock Breeders
Don Dobson	Dobson Engineering Ltd.
Daryll Hebert	Encompass Strategic Resources/ Riverside Forest Resources
Ron Lancour	B.C. Trappers Assn
Judy Guchon	Rancher
Jim White	Consulting Agrologist
Philippe Batini	Manager, Upper Similkameen Indian Band
Bob Helfrich	Weyerhauser
John Nelson	
Gary Arnold	Upper Nicola Band